

CHAPTER 4 TOWING SERVICE FOR MOTOR VEHICLES

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400 GENERAL PROVISIONS

- 400.1 The provisions of this chapter are issued under Commissioners' Order No. 56-1678, as amended.
- 400.2 The provisions of this chapter shall be applicable to any person engaging in, or offering to engage in, the business of providing crane or towing service for hire in the District of Columbia, except as otherwise provided by this section.
- 400.3 The provisions of this chapter shall not be applicable to the following:
- (a) A tow truck towing a motor vehicle into or through the District from a point outside the District;
 - (b) Tow trucks owned or operated by the governments of the United States or the District of Columbia, or
 - (c) A tow truck registered in another jurisdiction responding to a call from the owner or operator for the removal of a motor vehicle from the District into that other jurisdiction; Provided, that the tow truck is not equipped with a radio receiver capable of being tuned to the Metropolitan Police Radio wave lengths or frequencies.

AUTHORITY: Unless otherwise noted, the authority for this chapter is paragraph 46 of §7 of An Act approved July 1, 1902 (32 Stat. 622; D.C. Code §47-2801 (1981)).

SOURCE: Section 2 of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186; 55 DCRR §1.2.

401 LICENSING OF TOW TRUCKS

- 401.1 No person shall, without having a valid license to do so, engage in, or offer to engage in, the business of providing towing service for a consideration directly or indirectly charged.
- 401.2 A license shall be required for each tow truck used to provide towing service.
- 401.3 Prior to the issuance of any license pursuant to this chapter, the Director of the Department of Consumer and Regulatory Affairs, or the Director's designee (also referred to in this chapter as the "Director") shall be satisfied that the applicant is trustworthy and that the applicant is otherwise qualified to be licensed.
- 401.4 The Director is authorized to conduct any investigation of the applicant for a tow truck license which the Director deems necessary to determine the applicant's trustworthiness and other qualifications for a license, and the applicant's ability to engage in the licensed activity without detriment to the public.
- 401.5 The Director shall, in determining the trustworthiness of the applicant, consider whether the schedule of minimum and maximum fees submitted with the application bears a proportionally reasonable relationship to the services to be performed for those fees. The absence of a reasonable relationship, as determined by the Director shall be grounds for denial of a license.

SOURCE: Sections 3 and 5(a) of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186; 5S DCRR §1.3.

402 APPLICATION FOR A TOW TRUCK LICENSE

- 402.1 Each person making application for a tow truck license shall submit the following information to the Director:
- (a) The name, address, and telephone number of the person engaging in the operation of a towing service business;
 - (b) The location, description, and hourly availability of the tow truck;
 - (c) A schedule of minimum and maximum fees which the applicant will charge for the use of the tow truck in connection with providing various kinds of towing service, together with a full and detailed statement of the service to be rendered for each stated amount of fee;
 - (d) The minimum and maximum daily fees which the applicant will charge for the storage of disabled motor vehicles at the applicant's storage facility;
 - (e) A description of the space to be used for the storage or repair of motor vehicles; and
 - (f) Written evidence satisfactory to the Director that the storage or repair facility required under paragraph (e) is available for use by the applicant

and that the storage or repair facility will remain available for at least thirty (30) days from submission of that evidence.

402.2 Each person making application for a tow truck license shall submit the following statements to the Director:

- (a) A statement that the applicant, in consideration of being issued a license for the use of the tow truck in connection with the operation of a towing service business, will make no charge for towing service or storage in excess of the fee or fees set forth in the schedule submitted with the application for a tow truck license.
- (b) A statement that the tow truck for which a license application is filed shall be equipped, whenever it is used to provide towing service, with the emergency equipment required by this chapter.

402.3 Each applicant shall also submit a certificate of inspection from the Director, D.C. Department of Public Works or designee, dated not more than ten (10) days prior to the date on which application for a tow truck license is filed, stating that the tow truck for which the application is being filed would appear to be mechanically capable of providing towing service for motor vehicles, including the furnishing of towing service during those seasons of the year when adverse weather conditions may be anticipated, and that the tow truck has been identified in the manner set forth in §405.

SOURCE: Sections 4(a), (b), (c), (d), (e), (g) and (h) of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186; 5S DCRR §§1.4(a), (b), (c), (d), (e) and (h).

403 LOCATION OF STORAGE AND REPAIR FACILITIES

403.1 The storage or repair facility described in the application pursuant to §402.1(e) shall be located within the District of Columbia, except as otherwise provided in this section.

403.2 A storage or repair facility may be located outside the District but within the Metropolitan area of Washington (limited to Montgomery and Prince Georges Counties of Maryland, the City of Alexandria, and Arlington and Fairfax Counties in Virginia) if the licensed operator maintains in the District of Columbia a place of business (which is at the address shown on the license) at which gasoline is dispensed from two (2) or more pumps open to the public and which is equipped for, and commonly recognized as, a gasoline service station.

403.3 If, under §402.1(e), the applicant files with the Director a description of a facility outside of the District in accordance with §403.2, the applicant shall set forth the exact location of the facility and shall also file a certificate and agreement in which the applicant certifies and agrees to the following:

- (a) That no charge shall be made to the owner or operator of a vehicle towed to that facility in excess of the amount of towing charge to the address in the District shown on the applicant's license, and
- (b) That the applicant will, on written demand served upon any adult in charge of or employed at the applicant's place of business within the District, without charge to the owner or operator of a towed vehicle or to any official of the District, return the vehicle to that place of business in the District; and
- (c) That, upon request of any member of the Metropolitan Police Department, the applicant will grant to members of the Metropolitan Police Department access to any facility in or outside the District for the purpose of inspection and photographing or any vehicle removed to that facility.

403.4 Any discontinuance of the availability of the storage or repair facility to the licensee during the license period shall be reported in writing to the Director at least ten (10) days prior to the expiration of the availability.

403.5 The license shall be suspended during any period of unavailability of the storage or repair facility and may, during the period of suspension, be repossessed by the Director.

403.6 Any license suspended under §403.5 may be reissued without charge for the remainder of the license period when written evidence of availability to the applicant of a substitute storage or repair facility is supplied to the Director.

SOURCE: Sections 4(f) and (g) of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186; 5S DCRR §§1.4(f) and (g).

404 ISSUANCE AND DISPLAY OF LICENSE

404.1 Upon approval of a license application by the Director and the payment of the prescribed fees, the Director shall issue a license for each tow truck identified or described in the application.

404.2 The fee for each license shall be fifteen dollars (\$15) per year.

404.3 The license must be displayed in the tow truck while actually engaged in the towing services.

404.4 The license year shall begin on July 1st of each year, and shall end June 30th of the succeeding year.

404.5 In case of loss, mutilation or destruction of a license, the Director may issue a duplicate license upon proof of the fact of loss and payment of a fee of two dollars (\$2).

404.6 The number of the tow truck license issued for a tow truck shall be painted on both doors of the cab of the truck in figures not less than one inch (1") in height.

SOURCE: Sections 5(b) and 6 of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186; 5S DCRR §§1.5 and 1.6.

405 REQUIRED TOW TRUCK EQUIPMENT AND MARKINGS

405.1 Each tow truck licensed in accordance with this chapter shall have painted on both sides of the vehicle or on signs attached to the vehicle, in a color which contrasts with the color of the body paint and in letters not less than three inches (3") high, the name and address of the licensee; and, in letters not less than two inches (2") high, the minimum and maximum rates charged by the licensee for providing towing service, and the rates for storage.

405.2 Each tow truck licensed under the authority of this chapter shall, whenever the truck is used to provide towing services, be equipped with the following:

- (a) At least two (2) red flags not less than twelve inches by twelve inches (12" x 12") in size;
- (b) Two (2) portable red reflectors and two (2) red flares;
- (c) One (1) pair of skid chains in good condition;
- (d) One (1) axe and one (1) crowbar; and
- (e) One (1) shovel and one (1) broom.

SOURCE: Sections 7 and 8 of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186; 5S DCRR §§1.7 and 1.8.

406 ITEMIZED STATEMENTS AND RECEIPTS

406.1 Before providing any towing service of a vehicle from the scene of an accident, the tow truck worker shall furnish to the owner or operator of the vehicle an itemized statement, which shall be on a form approved by the Director.

406.2 The itemized statement shall be signed by the tow truck worker before its presentation to the owner or operator.

406.3 Unless the owner or operator of the vehicle to be towed (or towed and stored or repaired, as the case may be) also signs his or her name upon the itemized statement indicating acceptance of the proposed towing and storage charges, the tow truck worker shall not render any towing service, except as provided in §406.4.

406.4 If the owner or operator of a vehicle is unable to sign the itemized statement, a member of the Metropolitan Police Department may sign the statement and shall, as soon as possible thereafter, furnish it or a copy of it to the owner of the vehicle or a representative of the owner.

- 406.5 The signing of an itemized statement by a member of the Metropolitan Police Department shall not constitute any agreement on his or her behalf or on behalf of the government of the District of Columbia or of the owner or operator of the vehicle to pay the charges proposed to be collected by the tow truck worker, but will constitute only an authorization to remove the motor vehicle and a certification that the tow truck worker has submitted the itemized signed statement of charges prior to removal of the disabled vehicle.
- 406.6 Each itemized statement shall contain the following:
- (a) The location from which and the place to which the vehicle is to be towed;
 - (b) The name and address of the person conducting the tow truck business;
 - (c) If available, the name and address of the owner or operator of the disabled vehicle;
 - (d) A brief description of the disabled vehicle;
 - (e) The number and state of registration shown on the identification tags affixed to the disabled vehicle;
 - (f) The minimum and maximum fees charged for towing services provided by the person conducting the tow truck business and the service covered by each;
 - (g) The minimum and maximum rate charged per day, or part of a day, for the storage of the vehicle;
 - (h) The location of the storage facility available to the person conducting the tow truck business; and
 - (i) The location of the repair facilities, if any, owned or operated by the person conducting the tow truck business.
- 406.7 After rendering the towing service or towing and storage service, the tow truck worker shall enter upon the itemized statement (if the itemized statement is presented to the tow truck worker for such purpose) the amount which is paid to him or her as the charge for the service or services, and shall sign his or her name to the statement acknowledging the receipt of the payment.
- 406.8 A copy of each receipt submitted by a tow truck worker in accordance with the requirements of this section shall be retained by the person conducting the tow truck business for three (3) years from the date of issuance. The copy shall be exhibited upon demand to the Chief of Police or the Director.

SOURCE: Sections 9 and 10 of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186; 55 DCRR §§1.9 and 1.10.

407 REMOVAL OF DISABLED VEHICLES

- 407.1 A tow truck worker shall move any disabled motor vehicle for which that worker is providing towing service to the place designated by the owner or operator of the vehicle, or the authorized agent of the owner or operator.
- 407.2 If the owner or operator of a vehicle or the owner or operator's authorized agent should fail or be unable to specify a place to which the vehicle shall be moved, the vehicle shall, upon the direction of any member of the Metropolitan Police Department present at the time of removal at the place from which the vehicle is removed, be taken to the licensee's storage facility.
- 407.3 Any vehicle ordered removed by the police shall only be stored, and no work shall be done on the vehicle until such time as any work may be specifically authorized in writing by the owner of the vehicle or the owner's authorized agent.

SOURCE: Section 11 of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186; 5S DCRR §1.11.

408 PROHIBITED ACTS

- 408.1 It shall be unlawful for any person conducting a tow truck business or for any person on his or her behalf, either expressly or impliedly by any statement or action, to make any false representation to the effect that the person conducting the tow truck business represents or is approved by any organization which provides emergency road service for disabled motor vehicles.
- 408.2 In any accident case requiring a report to the police, it shall be unlawful for any tow truck worker to move a vehicle involved in that accident from the position in which the vehicle came to rest after the accident until that movement is authorized by a member of the Metropolitan Police Department; Provided, that nothing contained in this subsection shall be construed as prohibiting the lifting or movement of the vehicle to the extent necessary to free the occupant or occupants or any other person.
- 408.3 It shall be unlawful for any person conducting a tow truck business or for any person on his behalf, to require the execution of an agreement to have repair work performed on a motor vehicle involved in an accident or breakdown, as a condition to providing towing service for the vehicle.
- 408.4 It shall be unlawful for any tow truck worker to use any public space for the accommodation of a vehicle removed from the scene of an accident or breakdown except as the use of that public space may be directed by a member of the Metropolitan Police Department.
- 408.5 It shall be unlawful for any employee of the government of the District of Columbia to solicit the employment of any person conducting a tow truck business; or to volunteer the name of any tow truck business to the owner or operator of a disabled vehicle.

- 408.6 Nothing contained in §408.5 shall be construed to prohibit a member of the Metropolitan Police Department from furnishing to the owner or operator of a disabled vehicle on his or her request, a list of names and addresses of persons conducting tow truck businesses.
- 408.7 Nothing contained in §408.5 shall be construed to prohibit the Metropolitan Police Department from establishing and effectuating a procedure under which the number of tow trucks required to clear the streets are called by the Department to the scene of an accident in cases where the owners or operators of the disabled vehicles fail to or are unable to call a tow truck or trucks of their choice.
- 408.8 It shall be unlawful for any person conducting a tow truck business or for any person acting on his or her behalf, to charge more than one (1) towing fee in any case where that person has been directed by the owner or operator of a disabled vehicle to transport the vehicle to a facility operated by the person conducting the tow truck business for repair purposes, regardless of the number of separate towing operations involved in transporting that vehicle to the facility at which it is repaired.
- 408.9 It shall be unlawful for any person conducting a tow truck business or for any person acting on his or her behalf, to install or maintain in a tow truck or in any other place a radio receiver capable of being tuned to the Metropolitan Police radio frequencies.
- 408.10 It shall be unlawful for any tow truck worker to stop at the scene of any accident and furnish any towing service, unless he or she has been called to the scene by the owner or operator of a disabled vehicle or by a member of the Metropolitan Police Department pursuant to Department procedures.
- 408.11 It shall be unlawful for any person licensed under this chapter or any person acting for the licensee in the licensed business to deposit, except temporarily and for emergency purposes, upon public space or private space belonging to any other person who has not consented to the deposit of the vehicle upon his property, any vehicle taken in tow.

SOURCE: Section 12 of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186; 5S DCRR §1.12.

EDITOR'S NOTE: The Board of Commissioners amended §12(h) [§408.10] to read:

"It shall be unlawful for any tow truck worker to stop at the scene of an accident, to solicit directly or indirectly towing service at such scene, or to furnish any towing service, unless he or she has been called by telephone to such scene by the owner or operator of a disabled vehicle or by a member of the Metropolitan Police Department pursuant to Department procedures. Nothing herein contained shall prohibit the rendition of towing service to a disabled vehicle if such service has, since such vehicle was disabled, been requested in person at the place of business of the licensed operator by the owner or operator of the disabled vehicle."

Commissioners' Order 65-1002a, adopted July 20, 1965.

This language does not appear in the *District of Columbia Rules and Regulations* and was never incorporated into the *District of Columbia Municipal Regulations* before July 1, 1984.

409 ENFORCEMENT AND PENALTIES

409.1 The license authorizing the use of a tow truck in connection with a towing service business may be subject, in the discretion of the Director, to revocation or suspension for any of the following reasons:

- (a) If the license was issued as the result of fraudulent conduct, a false statement of a material fact, or the concealment of a material fact which, if disclosed at the time the application for the license was filed, would have constituted just cause for denial of the application;
- (b) Failure of the licensee to comply with the provisions of this chapter;
- (c) One or more charges for towing service or storage in excess of the charge set forth in the schedule of fees filed with the license application;
- (d) The reasons set forth in paragraph 46 of 7 of the Act approved July 1, 1902 (32 Stat. 622), as amended (D.C. Code 47-2801 (1981));
- (e) Engaging in, or holding oneself out as engaging in, towing services at such time as the person conducting the tow truck business does not have available to him a storage or repair facility as required by this chapter;
- (f) Violation of the traffic laws or regulations of the District of Columbia by or with a moving vehicle, with particular reference to, but not limited to speed; or
- (g) Failure to maintain qualifications required by this chapter.

409.2 Any person whose tow truck license has been revoked shall not be eligible to make application for a new tow truck license for a period of one (1) year from the date of revocation.

409.3 Any person adversely affected by the denial, revocation, or suspension of a tow truck license may file an appeal in writing with the Board of Appeals and Review of the District of Columbia.

409.4 Any violation of the provisions of this chapter shall, upon conviction, be punishable by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days.

409.5 In addition to any other penalty prescribed by law, any violation of this chapter shall be grounds for revocation or suspension of the license issued under this chapter, either before or after conviction.

409.6 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this regulation pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of

any infraction of this regulation shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

- 409.7 Any act or omission of any tow truck worker or of any other person acting on behalf of the person conducting the tow truck business, which act or omission is in violation of this chapter, or is cause for denial of a license, may be considered the act omission of the person conducting the tow truck business for whom that person is employed or for whom he or she purported to act.

SOURCE: Sections 13, 14, 15 and 17 of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186, 5S DCRR §§1.13, 1.14 and 1.17; and by D.C. Law 8-237, 38 DCR 314, 327 (January 11, 1991).

499 DEFINITIONS

- 499.1 When used in this chapter, the following terms and phrases shall have the meanings ascribed:

Chief of Police - the Chief of the Metropolitan Police Department of the District of Columbia, or his or her designated agent.

Crane service - a form of towing service which involves moving a disabled motor vehicle by the use of a lift, crane, hoist, winch, cradle, jack, automobile ambulance, tow dolly, or any device to accomplish similar service.

Director - the Director of Consumer and Regulatory Affairs or his or her designated agent.

License - a license issued by the government of the District of Columbia enabling its holder to use a tow truck for which the license is issued in connection with the operation of a towing service.

Member of the Metropolitan Police Department - shall include a member of the Park Police, Capitol Police, Zoo Police, White House Police, as well as the Metropolitan Police Department.

Motor vehicle - any vehicle propelled by an internal combustion engine or by electricity or steam, except traction engines, road rollers, and vehicles propelled only upon rails and tracks, and includes, but shall not be limited to, vehicles which have become disabled as a result of accident or mechanical failure.

Person - a natural person, firm, partnership, association, or corporation.

Storage - the accommodation and protection on private property of disabled motor vehicles.

Towing Service and Tow Truck Business - the business of towing or otherwise moving disabled motor vehicles by means of a tow truck.

Tow Truck - a motor vehicle equipped with a lift, crane, hoist, winch, cradle, jack, automobile ambulance, tow dolly, or similar device designed or used to provide crane service

for disabled motor vehicles, by whatever name called; Provided, that the term "tow truck" shall not include any vehicle equipped with a pushing bumper for the purpose of pushing stalled motor vehicles, but not equipped to provide crane service.

Tow Truck Worker - any person who is employed to carry on or to participate in any way in a towing service.

SOURCE: Section 1 of Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, Commissioners' Order 56-1678, effective August 21, 1956; as amended by Commissioners' Order 65-121a promulgated January 19, 1965, 11 DCR 186.

